

# CONSTITUTION OF THE CENTRAL AFRICAN REPUBLIC

*Adopted on 28 December 1994, promulgated on 14 January 1995*

## PREAMBLE

The Central African People

Proud of its national, linguistic and cultural unity, which constitute the enrichment of its personality;

Convinced of urgent necessity to preserve unity and peace, the most certain signs of economic and social progress;

Animated by the wish of assuring to man his dignity with respect to the principle of "ZO KWE ZO" enunciated by the founder of the Central African Republic, Barthelemy Boganda;

Conscious that only dedicated work and rigorous unconcealed management of public things are able to assure a harmonious and rational development;

Convinced of the necessity of integration of African politics and economics according to a sub-regional and regional plan;

Convinced that universal suffrage is the only source of legitimacy of political power;

Resolved to construct a state of law founded on a true pluralist democracy, guaranteeing the security of persons and goods, the protection of the most feeble, notably vulnerable people, minorities and the full exercise of fundamental rights and liberties;

Firmly desirous of forging ties of friendship with all people upon the basis of the principles of equality, solidarity of reciprocal interests and mutual respect of the national sovereignty as well as that of territorial integrity;

Reaffirms its attachment to the Universal Declaration of Human Rights of 10

December 1948, to the International Covenants on Economic, Social and Cultural Rights and Civil and Political Rights of 16 December 1966, to the African Charter on Human and Peoples' Rights of 27 June 1981, and to duly ratified international conventions;

Affirms its willingness to co-operate in peace and friendship with all states, to work for African Unity conforming to the Charter of the Organization of African Unity, to promote the peaceful settlement of differences between states with respect to justice, equality, liberty and the sovereignty of peoples;

Firmly in opposition by any means to conquest of power by civil or military force and to any dictatorial force.

## **TITLE I: FOUNDATIONS OF SOCIETY**

### Article 1

The human person is sacred. Every agent of public power has the absolute obligation to respect it and to protect it. No one may be arbitrarily detained. Every accused person is presumed innocent until his culpability is established at the end of a procedure which offers him the indispensable guarantees of his defence. The Republic recognises the existence of human rights as the basis of every human community, of peace and of justice in the world.

### Article 2

The Republic proclaims the respect and the inviolable guarantee of the development of personality. Everyone has the right to the free development of his or her personality so long as he or she does not violate the rights of others, nor infringe the constitutional order.

### Article 3

Everyone has the right to life and to bodily integrity. Liberty of the person

is inviolable. These rights may only be affected by application of a law. No one will be submitted to torture or to inhuman, cruel, degrading or humiliating brutalities or treatment. Every individual and every agent of the state which is found guilty of such acts will be punished according to the law. No one may be condemned if it is not by virtue of a law in force before the committed act. The rights of the defence shall be freely exercised themselves before all the jurisdictions of the Republic. Every person being the object of a measure depriving liberty has the right to be examined and treated by a doctor of his or her choice if possible.

#### Article 4

Freedom of movement, of residence and establishment throughout the territory are guaranteed to all within the conditions fixed by law.

#### Article 5

All human beings are equal before the law without distinction of race, ethnic origin, region, sex, religion, political affiliation and social position. The law guarantees to men and women equal rights in all the domains. There are in the Central African Republic neither subjugated persons, nor privileges of place of birth, of person or of family. No one may be forced into exile. No one may be the object of assignment of residence or of deportation if it is not by virtue of a law.

#### Article 6

Marriage and the family constitute the natural and moral basis of the human community. They are placed under the protection of the state. The state and the other public collectivities together have the duty to strive for the physical and moral health of the family and to socially encourage it by appropriate institutions. The protection of the youth against violence and insecurity, exploitation and moral, intellectual and physical abandonment is an obligation for the state and the other public collectivities. This protection is assured by appropriate measures and institutions of the state and the other public collectivities. Parents have the natural right and primordial duty to raise and educate their children with the end to develop in them good physical, intellectual and moral aptitudes. They are supported in

this task by the state and the other public collectivities. Children born out of wedlock have the same rights to public assistance as legitimate children. Legally recognised natural children have the same rights as legitimate children. The state and the other public collectivities have the duty to create prerequisite conditions and public institutions which guarantee the education of children.

#### Article 7

Everyone has the right to have access to the sources of knowledge. The Republic guarantees to children and adults access to instruction, to culture, and to professional training. The education and instruction of the youth must be provided for by public establishments. The creation of these are incumbent upon the state and the other public collectivities. Private establishments may be opened with the authorisation of the state. This is only accorded when these private establishments by their curriculum and their organisation, as well as the matter of the development of their instruction, fulfil sufficient conditions to dispense an instruction of a quality conforming with official programmes or authorised within the conditions fixed by a specific law. They are placed under the control of the state.

#### Article 8

The freedom of conscience, of assembly and the free exercise of worship are guaranteed to all within the conditions fixed by law. Any form of religious fundamentalism and intolerance is forbidden.

#### Article 9

The Republic guarantees to each citizen the right to work, to rest and to leisure with respect to the demands of national development. The Republic assures to them favourable conditions to their blossoming by an efficient employment policy. Every citizen is equal before employment. No one may be prejudiced in work or employment by reason of origin, sex, opinion or belief. Every worker participates, by intermediary of his or her representatives, in the determination of the conditions of work. Laws will fix the conditions of assistance and of protection accorded to workers, and more particularly to the young, the aged, the handicapped as well as to those who have health problems due to their conditions of work.

## Article 10

The right to form trade unions is guaranteed and is freely exercised within the limits of the laws which regulate it. Every worker may adhere to the trade union of his or her choice and defend his or her rights and interests by industrial action. The right to strike is guaranteed and is exercised within the limits of the laws which regulate it and may not in any case undermine the freedom of work, or the free exercise of the right of ownership.

## Article 11

The freedom of enterprise is guaranteed within the limits of the laws and regulations in force.

## Article 12

Every citizen has the right to freely constitute associations, groups, societies, and establishments of public utility under reservation of conformity to laws and regulations. The associations, groups, societies and establishments, of which the activities are contrary to public order as well and the unity and the cohesion of the Central African people, are prohibited.

## Article 13

The freedom to inform, to express and diffuse opinions by speech, the pen and image, under reservation of respect of the rights of others, is guaranteed. Privacy of correspondence as well as that of postal, electronic, telegraphic and telephonic communications are inviolable. Restrictions may only be prescribed for the above by application of a law. Freedom of the press is recognised and guaranteed. It is exercised within the conditions fixed by law. The exercise of this liberty and equal access for all to the medias of the state are assured by an independent organ, the status of which is fixed by law. The freedom of intellectual, artistic and cultural creation is recognised and guaranteed. It is exercised within the conditions fixed by law.



## Article 14

Every physical or moral person has the right to property. No one may be deprived of his property except for legally constituted public use and under the condition of a just and prior indemnification. The home is inviolable. It may only be interfered with by a judge and if there is a danger to the dwelling place by the other authorities designated by law, held to execute it within the forms prescribed herein. The measures affecting the inviolability of the home or the restriction will be taken to avoid a public danger or to protect persons in peril. These measures may be taken in application of the law in order to protect the public order against imminent dangers notably to fight against the risks of epidemic, fire or to protect persons in danger.

## Article 15

Every citizen is equal before public duties and notably before taxation that only the law may, within the conditions provided by the present Constitution, create and rescind. They support in all solidarity the duties resulting from natural calamities or endemic, epidemic or incurable illnesses.

## Article 16

The defence of the homeland is a duty for every citizen. Every person inhabiting the national territory has the duty to respect in all circumstances the Constitution, the laws and the regulations of the Republic.

## **TITLE II: THE STATE AND SOVEREIGNTY**

## Article 17

The form of the state is the Republic. ... Its official languages are Sango and French.

#### Article 18

The principle of the Republic is: "Government of the people, by the people, and for the people". The national sovereignty belongs to the people who exercise it directly by means of referendum or indirectly by their representatives. No faction of the people nor any individual may assume its exercise. The usurpation of the national sovereignty by a *coup d' état* or by other means constitutes an unmentionable crime against the Central African people. Any person or third party who would accomplish such acts will have declared war on the Central African people. The right to vote is guaranteed to all adult citizens of either sex in possession of their civil and political rights.

#### Article 19

Political parties or groups concur in the expression of suffrage, in the animation of political, economic and social life. They form and conduct their activities freely. They are held to respect the principle of democracy, unity, and the national sovereignty, human rights and the republican form of the state, in conformity with laws and regulations.

### TITLE III: EXECUTIVE POWER

#### CHAPTER I: President of the Republic

#### Article 23

The President of the Republic is elected by universal suffrage ...

#### Article 28

When the institutions of the Republic, the independence of the nation, the territorial integrity, the execution of international engagements or the

normal functioning of the public powers are threatened in a grave and immediate manner, the President of the Republic after the advice of the Council of Ministers, of the President of the National Assembly and of the President of the Constitutional Court, takes measures required by the circumstances in view of re-establishing public order, territorial unity and the regular functioning of public powers. The nation is informed by a message of the President of the Republic of his decision to put in place or discontinue the application of the present article. The National Assembly meets of plain right. During the exercise of exceptional powers by the President of the Republic, the National Assembly may not be dissolved and the Constitution may not be modified.

#### Article 29

The President of the Republic may, when circumstances dictate, after the advice of the Council of Ministers, of the Office of the National Assembly and of the President of the Constitutional Court, proclaim a state of siege or alert for a period of fifteen days. This period may only be extended by the National Assembly convened in extraordinary session.

#### Article 30

The President of the Republic communicates with the National Assembly, either directly, or by message which he has read. These communications give rise to no debate or vote. Out of session, the National Assembly is specially convened in this manner.

### **TITLE IV: LEGISLATIVE POWER**

#### Article 46

The Central African people elect by direct universal suffrage the citizens who constitute the Parliament .

### **TITLE V: INTERNATIONAL AGREEMENTS AND TREATIES**



## Article 66

The President of the Republic negotiates, signs and ratifies or denounces international treaties and agreements. The ratification or the denunciation may only occur after authorisation of Parliament, notably in that which concerns ... the status of persons and human rights ...

## Article 67

The Republic may, after referendum, conclude with any African state accords of association or of fusion including partial or total abandonment of sovereignty in view of realising African unity. It may create with any state intergovernmental organisms with common functions, of co-ordination and of free co-operation.

## Article 68

If the Constitutional Court, convened by the President of the Republic, by the President of the National Assembly, or by a third of the Deputies, has declared that an international engagement includes a clause contrary to the Constitution, the authorisation to ratify or to approve the international engagement in question may only occur after revision of the Constitution.

## Article 69

Treaties or accords regularly ratified or approved have, from their publication, an authority superior to that of laws, with reservation, for each accord or treaty, of its application by the other party.

## TITLE VI: THE CONSTITUTIONAL COURT

## Article 70

The Constitutional Court interprets the Constitution, judges the constitutionality of ordinary and organic laws ... Any person who considers himself or herself wronged may seize the Constitutional Court on the constitutionality of the laws, either directly or by the procedure of exception of unconstitutionality brought before a jurisdiction in an affair which concerns him or her ... When the exception of unconstitutionality is raised by a party before a jurisdiction, such as it is, it is required to decree and to seize the Constitutional Court which must pronounce upon the constitutionality of the text in litigation within a period of one month which begins to run from the moment of its seizure by the concerned jurisdiction.

## Article 71

The members of the Constitutional Court are irremovable for the duration of their mandate. They may not be investigated or arrested without the authorisation of the Constitutional Court.

## Article 74

The decisions of the Constitutional Court are not susceptible to any recourse. They impose themselves upon public powers, to all administrative and juridical authorities and to all physical and moral persons. Any text declared unconstitutional is null and of no effect: it may not be promulgated, nor applied.

## TITLE VII: JUDICIAL POWER

## Article 75

Judicial power is independent of the legislative power and of the executive power.

## Article 76

Judges are independent. During the exercise of their functions they are subject only to the authority of the law. Sitting Magistrates are irremovable.

## Article 77

The President of the Republic is the guarantor of the independence of the judicial power. He is assisted to this effect by the High Council of the Judiciary over which he presides. The High Council of the Judiciary strives for the development of the careers of the Magistrates and for the independence of the Judiciary.

## Article 78

The judicial power, guardian of freedoms and property, is held to assure respect of principles consecrated as fundamental bases of the society by the present Constitution.

## TITLE XI: REVISION

## Article 100

The initiation of revision of the Constitution belongs concurrently to the President of the Republic and to the National Assembly stating by a three-fourths majority of the members which compose it.

## Article 101

Revision intervenes when the draft presented to the state has been passed by the National Assembly by a three-fourths majority of the members which compose it, or has been adopted by referendum. ... The Republican form of the Central African state may not be the object of revision.